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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,462	07/31/2001	Coke Reed	F.11188	3570
27957	7590	12/14/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS NEW YORK, NY 10038-2714			NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,462

Applicant(s)

REED ET AL

Examiner

Phuongchau Ba Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 6-41, 44-48 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 42, 43, 49, 50 and 52 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1–3, 42–43, 49–50, 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (6,400,685).

Regarding claim 1,

Park (6,400,685) discloses an interconnect structure having at least two input ports A and B, a plurality of output ports and a message MA at input port A, wherein a decision to inject all or part of message MA into the interconnect structure depends at least in part on the arrival of one or more messages at input port B (fig.2, col.4, lines 8-18).

Regarding claim 2,

Park (6,400,685) discloses an interconnect structure having a plurality of input ports including an input port A and a plurality of output ports including an output port X and all or part of a message MA arriving at input port A, wherein a decision to inject message MA into the interconnect structure is based at least in part on logic associated with output port X (10 & 20, fig.2, col.3, line 65-col.4, line 30).

Regarding claim 3,

Park (6,400,685) discloses further an input port B and a message MB at input port B wherein the logic at output port X bases in part the decision to inject message MA into the interconnect structure on information about message MB (10 & 20, fig.2, col.3, line 65–col.4, line 30).

Regarding claim 42,

Park (6,400,685) discloses a method for sending a message MA through an interconnect structure, said interconnect structure having at least two input ports A and B, the message MA arriving at input port A, the method comprising the steps of:

monitoring the arrival of one or more messages at input port B (10 & 20, fig.2, col.3, line 65–col.4, line 18); and

basing a decision to inject all or part of message MA into the interconnect structure, at least in part on the monitoring of messages arriving at input port B (10 & 20, fig.2, col.3, line 65–col.4, line 18).

Regarding claim 43,

Park (6,400,685) discloses a method for sending a message MA through an interconnect structure, said interconnect structure having an input port A and a plurality of output ports including an output port X, and all or part of message MA arriving at input port A, the method comprising the steps of:

monitoring logic associated with output port X (10 & 20, fig.2, col.3, line 65-col.4, line 30); and

basing a decision to inject message MA into the interconnect structure, at least in part on information concerning a message MB targeted for X and entering the interconnect structure at an input other than A (10 & 20, fig.2, col.3, line 65-col.4, line 30)

Regarding claim 49,

Park (6,400,685) discloses wherein the message MA is sub-divided into segments and a decision to inject a plurality of segments of MA into the interconnect structure depends at least in part on logic associated with output port X (10 & 20, fig.2, col.3, line 65-col.4, line 30).

Regarding claim 50,

Park (6,400,685) discloses wherein the message MA and the message from input port B are scheduled to enter the interconnect structure in such a way that data from message MA and data from a message at input port B enter output port X concurrently (10 & 20, fig.2, col.3, line 65–col.4, line 30).

Regarding claim 52,

Park (6,400,685) discloses wherein the message MA is subdivided into segments and a decision to inject a plurality of the segments of MA depends at least in part on the arrival of one or more messages at input port B (10 & 20, fig.2, col.3, line 65–col.4, line 30).

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

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would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (6,400,685) in view of Hayter (5,577,035).

Regarding claim 4,

Park discloses all the claimed limitations, except (1) wherein messages MA and MB are targeted for output port X. However, in the same field of endeavor, Hayter (5,577,035) discloses messages from different sources (col.4, lines 38-40) are targeted to output port 27 (fig.4)(corresponding to (1)). Therefore, it would have been obvious to an artisan to apply Hayter's teaching to Park's system with the motivation being to provide an efficiently allocating resources where a multiplexed stream of ATM cells are to be individually switched to different physical ports.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (6,400,685) in view of Manning (5,956,342).

Regarding claim 5,

Park discloses all the claimed limitations, except (1) wherein the timing of the injection of MA into the interconnect structure depends at least in part on the arrival of one or more messages at input port B. However, in the same field of endeavor, Manning (5,956,342) discloses the bandwidth arbiter controlling switch fabric interconnection dynamically schedules momentarily unused bandwidth see col.3, lines 51-63 (corresponding to (1)). Therefore, it would have been obvious to an artisan to apply Manning's teaching to Park's system with the motivation being to resolve multipoint to point bandwidth contention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuongchau Ba Nguyen
Examiner
Art Unit 2665

**DUCHO
PRIMARY EXAMINER**



12-12-05